

Department of Permits and Development Management  
111 West Chesapeake Avenue  
Towson, Maryland 21204

In the Matter of

Civil Citation No. 73875

Kenneth Kellner  
Shirley Kellner

7308 Stratton Way

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW  
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on April 27, 2010, for a Hearing on a citation for violations of the Baltimore County Code (BCC) section 13-7-310 (a), failure to cease storage of garbage, junk, trash and debris; section 13-4-201, failure to store all garbage in approved rodent resistant watertight containers with tight fitting lids; Baltimore County Zoning Regulations (BCZR) section 415, trailer with expired tags not permitted on residential property known as 7308 Stratton Way, 21224.

On March 29, 2010, pursuant to § 3-6-205, Baltimore County Code, Inspector Dan O'Neill issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1<sup>st</sup> class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$5,000.00 (five thousand dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence presented, the Hearing Officer finds:

A. A Correction Notice was issued on March 11, 2010 for license/remove untagged boat/recreation vehicle and trailer; remove trash and debris; store garbage in cans with tight lids. This Citation was issued on March 29, 2010.

B. Photographs in the file show junk, trash and debris all over the yard of this residential property, including buckets, bagged trash or garbage, broken fencing, discarded household items, and tree and lumber debris. This violates prohibitions against the accumulation of junk, trash and debris on residential property, and prohibitions against creation of possible harborage for rats. BCC Section 13-4-201, Section 13-7-309, Section 13-7-310.

C. Photographs in the file also show a boat on a trailer with tags that expired in 2009. This recreational trailer and boat can be stored outside in certain locations on a residential lot, but must have a current license and must be operable. BCZR Section 415A.1.

D. Review of the file shows that Respondents were cited repeatedly in 2009 for similar code violations. A Final Order issued May 27, 2009 imposed a civil penalty and authorized cleanup of the property at Respondents' expense, but notes in the file show that County inspectors subsequently found the violations corrected and did not impose the penalty or send contractors to clean the property. Review of the file also shows that in 2009 the Baltimore County Department of Social Services had an open case for the property owner and occupant, Mr. Kenneth Kellner; this Hearing Officer contacted the Department of Social Services after this Hearing and was informed that there is currently no open case with the Department. Respondent Kellner failed to appear for this Hearing.

E. The property is in deplorable condition. This Citation will be enforced and the County will be authorized to clean up the property and to remove the unlicensed boat and trailer.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$500.00 (five hundred dollars).

IT IS FURTHER ORDERED that Baltimore County may enter the property for the purpose of removing all junk, trash, debris, and garbage from Respondents' yard, at the expense of the property owner.

IT IS FURTHER ORDERED that Baltimore County may enter the property for the purpose of removing the untagged boat and trailer, at the expense of the property owner.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty AND any expenses incurred by Baltimore County, as authorized above, shall be imposed and placed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 28<sup>th</sup> day of April 2010

Signed: ORIGINAL SIGNED  
Margaret Z. Ferguson  
Baltimore County Hearing Officer